

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

---

MONTVALE SURGICAL CENTER a/s/o  
JENNY ESPINOSA & PEDRO ESPINOSA,

Plaintiff,

v.

HORIZON BLUE CROSS BLUE SHIELD OF  
NEW JERSEY, INC., MAQUET, INC., and  
ABC CORP. 1-10,

Defendants.

---

CIVIL ACTION NO.: 12-2374-WJM-MF

---

**NOTICE OF MOTION TO CONSOLIDATE**

---

TO: Andrew R. Bronsnick, Esquire  
Massood & Bronsnick, LLP  
50 Packanack Lake Road East  
Wayne, NJ 07470  
*Attorneys for Plaintiff*  
*Montvale Surgical Center*

Keith R. McMurdy, Esquire  
Fox Rothschild, LLP  
100 Park Ave., Ste. 1500  
New York, NY 10017  
*Attorneys for Defendant*

**PLEASE TAKE NOTICE** that Defendants Horizon Blue Cross Blue Shield of New Jersey and Maquet, Inc., by their undersigned counsel, shall move before the United States District Court for the District of New Jersey, M.L. King Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102, on Friday, July 16, 2012 at 9:00 a.m. or as soon thereafter as counsel may be heard for an Order to consolidate this action with Montvale Surgical Center v. Horizon Blue Cross Blue Shield of New Jersey, Civil Action No.: 12-2378, which was removed to this Court on April 23, 2012; Montvale Surgical Center v. Horizon Blue Cross Blue

Shield of New Jersey, Civil Action No.: 12-2379, which was removed to this Court on April 24, 2012; Montvale Surgical Center v. Horizon Blue Cross Blue Shield of New Jersey, Civil Action No.: 12-2380, which was removed to this Court on April 23, 2012; Montvale Surgical Center v. Horizon Blue Cross Blue Shield of New Jersey, Civil Action No.: 12-2539, which was removed to this Court on May 1, 2011; Montvale Surgical Center v. Horizon Blue Cross Blue Shield of New Jersey, Civil Action No.: 12-2540, which was removed to this Court on April 30, 2012; Montvale Surgical Center v. Horizon Blue Cross Blue Shield of New Jersey, Civil Action No.: 12-2752, which was removed to this Court on May 8, 2012; and Montvale Surgical Center v. Horizon Blue Cross Blue Shield of New Jersey, Civil Action No.: 12-2908, which was removed to this Court on May 16, 2012.

In support of this Motion Defendants shall rely on the attached Brief and Exhibits.

A proposed form of Order is attached hereto.

Oral argument is not requested unless timely opposition is filed.

CONNELL FOLEY LLP  
*Attorneys for Defendants*  
*Horizon Blue Cross Blue Shield of New*  
*Jersey and Maquet, Inc.*

BY:   
Matthew A. Baker, Esquire

DATE: June 12, 2012